

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP (797-1101)

SUBJECT: Ordinance - Grant of Easement

Application No., Project Name and Location:
VA 8-1-00, FPL Vacation of Right-of-way

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A UTILITY EASEMENT FROM TOWN OF DAVIE , AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The attached ordinance accepts a 1,080 square foot easement that will accommodate the water lines located within the subject easement.

This request fulfills the condition of approval of Ordinance No. 2000-36 vacating a 1,080 square foot portion of right-of-way, approved by Town Council at its November 15, 2000 meeting.

PREVIOUS ACTIONS:

Town Council approved an Ordinance No. 2000-36 vacating a portion of right-of-way extending from Davie Road Extension approximately 81 feet north (application VA 5-2-00) (Motion carried: 5-0, November 15, 2000).

CONCURRENCES: None

RECOMMENDATION(S): Motion to approve.

Attachment(s): Ordinance, Grant of Easement, Land Description and Sketch, Land Use map, Subject Site map, and Aerial.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A UTILITY EASEMENT FROM TOWN OF DAVIE , AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Town of Davie wishes to encumber lands with utility easement in conjunction with a vacation of a public right-of-way, and in furtherance thereof has tendered a utility easement to the Town of Davie.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The grant made by the utility easement dated the ____ day of _____, 2000, a copy of which is attached hereto as "Exhibit A", is hereby accepted.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2001.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2001.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001.

Prepared By:
DAVIE PLANNING & ZONING DEPT.
6591 Orange Drive
Davie, Fl. 33314

Return To:
Davie Town Clerk's Office
6591 Orange Drive
Davie, Florida 33314

EASEMENT

THIS EASEMENT is granted this 23 day of JANUARY, 2001, between Town of Davie whose mailing address is 6591 Orange Drive, Davie, Fl. 33314, hereinafter called "First Party", to the Town of Davie, a Municipal Corporation of the State of Florida, whose mailing address is 6591 S.W. 45 Street, Davie, Florida 33314-3399, hereinafter called "Town".

WITNESSETH:

That the said First Party, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid by the Town, the receipt whereof is hereby acknowledged, does hereby grant and convey to the Town, its successors and assigns, a perpetual utility easement to install, maintain, repair, and operate a sanitary sewer and/or water pipes, mains and laterals, and the necessary appurtenances above and underground for such purposes; also the right to clear and keep clear such obstructions and the surface and subsurface that might endanger the proper construction, operation and maintenance of said system in, under, upon, over, and across that certain strip of land of the First party legally described as follows:

(See attached Survey and Legal Description herein referred to as Exhibit "A")

Together with free ingress, egress and regress across said lands for the purposes of cleaning, maintaining and repairing said facilities, and together with the right and privileges to construct, inspect, alter, improve, remove or relocate such facilities. Such easement rights to continue for as long as the Town, its successors and assigns, require the said easements with rights herein granted for the operation and maintenance of such water and/or sewerage lines and systems. The foregoing provisions are hereby declared to be reservations and restrictions running with the land.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year first above written.

Witnessed by:

TOWN OF DAVIE

Geri A. Bowers

Geri A. Bowers
(Print Witness Name)

Candice Cordway

Candice Cordway
(Print Witness Name)

BY: T.J. Willi

Thomas J. Willi
Town Administrator

State of Florida
County of Broward

The foregoing instrument was acknowledged before me this 23 day of Jan.,
2001 by Thomas J. Willi
[Name of corporate officer(s) and his/her/their corporate title(s)]

of Town of Davie, on behalf of the corporation.
(Name of corporation and state or place of incorporation)

Maria Blackiston
NOTARY PUBLIC (signature)

MARIA Blackiston

(Name of Notary Public: Print, Stamp, or Type as Commissioned)



My Commission Expires:

Personally known to me, or Produced identification: _____

_____ Did take an oath

EXHIBIT "A"

LEGAL DESCRIPTION TO BLANKET UTILITY EASEMENT

A portion of the 15 foot Platted Road Right-of-Way lying South and West of Parcel "A" of FP&L Gulfstream Service Center, according to the plat thereof as recorded in Plat Book 121, Page 38 of the Public Records of Broward County, Florida and also lying East of and adjacent to Tract 4 of A.J. Bendle Subdivision of Section 3, Township 51 South, Range 41 East, according to the Plat thereof as recorded in Plat Book 1, Page 27 of the Dade County Records and being more fully described as follows:

BEGINNING at the Northwest corner of said Tract 4; thence North $87^{\circ} 44' 44''$ East on the Easterly extension of the North line of said Tract 4 and also on a South line of said Parcel "A", a distance of 15.00 feet to a point on a West line of said Parcel "A"; thence South $01^{\circ} 27' 42''$ East on said line, a distance of 63.25 feet to a point on a curve a radial line to said point bears South $51^{\circ} 16' 20''$ East; thence Southwesterly on a line 3.0 feet North of and parallel with the North Right-of-Way line of Davie Road Extension and on a curve to the right with a radius of 1857.08 feet, a delta of $00^{\circ} 42' 44''$, an arc distance of 23.09 feet; thence North $01^{\circ} 27' 42''$ West on the East line of said Tract 4, a distance of 80.58 feet to the Point of Beginning.

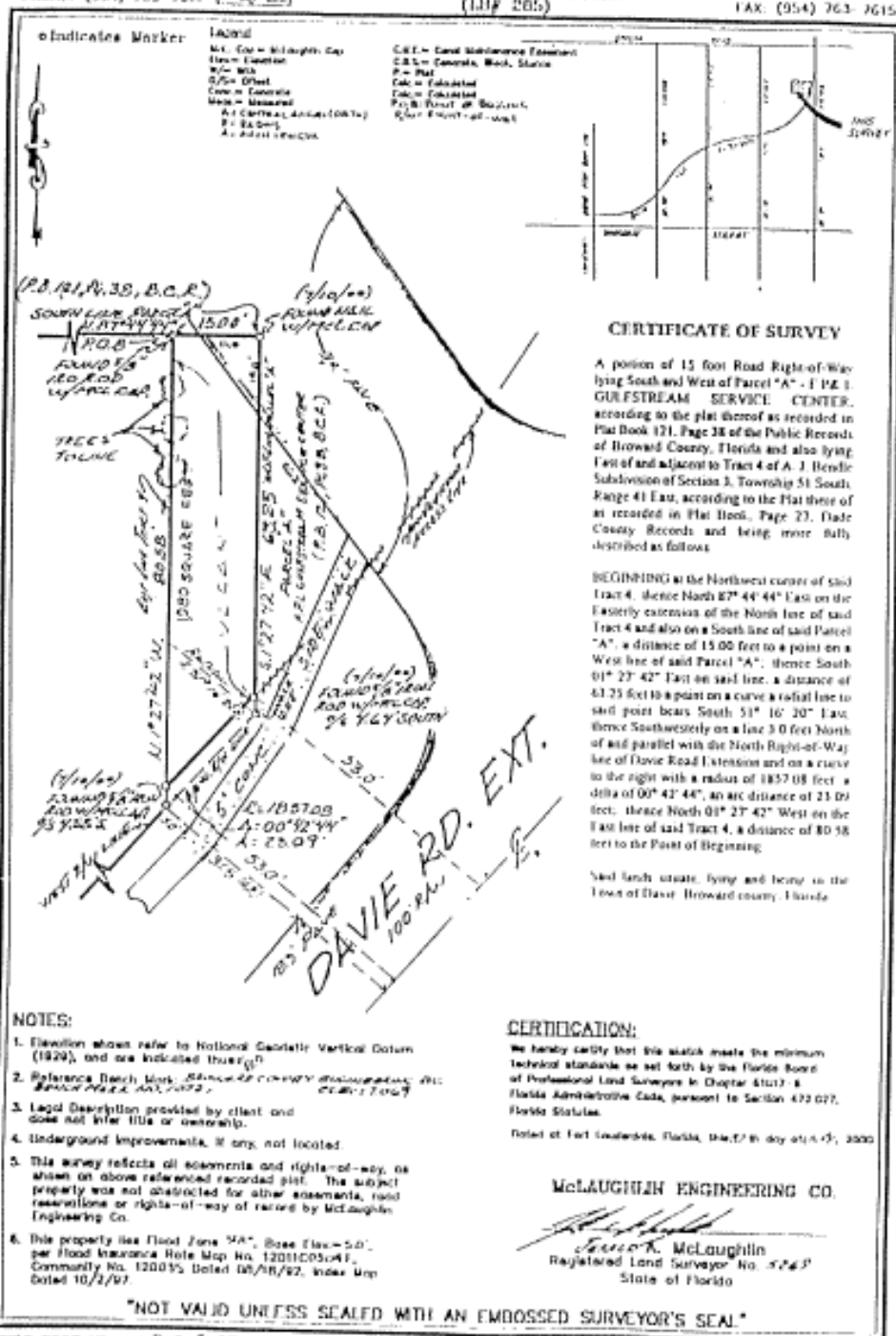
Said lands situate, lying and being in the Town of Davie, Broward County, Florida.

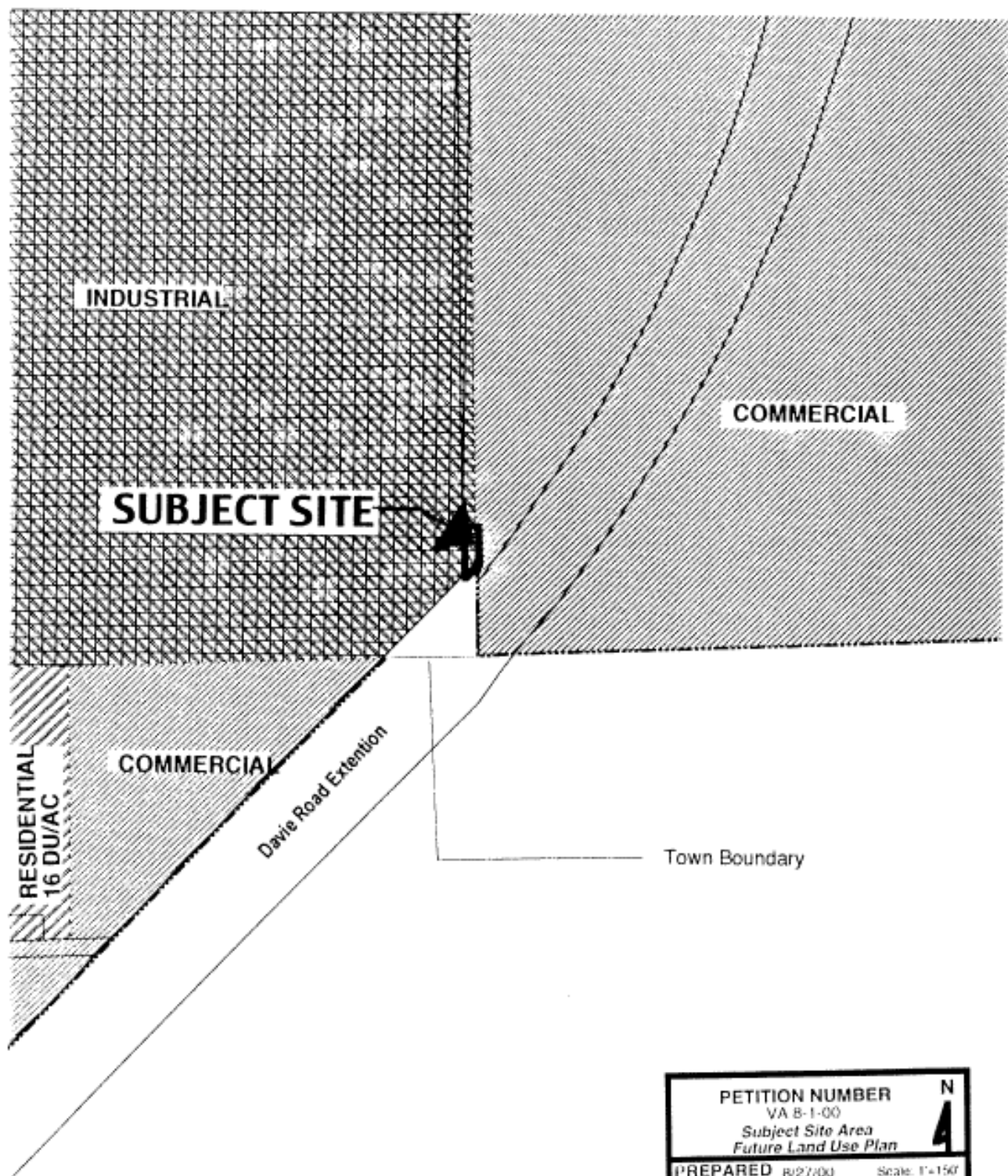


McLAUGHLIN ENGINEERING COMPANY
400 NORTHEAST 3rd AVENUE
FORT LAUDERDALE, FLORIDA, 33301
ENGINEERS - SURVEYORS
(JLF 285)

PHONE: (954) 763-7615

FAX: (954) 763-7615





PETITION NUMBER		N
VA B-1-00		4
Subject Site Area		
Future Land Use Plan		
PREPARED	8/27/00	Scale: 1"=150'
BY THE PLANNING & ZONING DIVISION		

10 | 9

RM-16

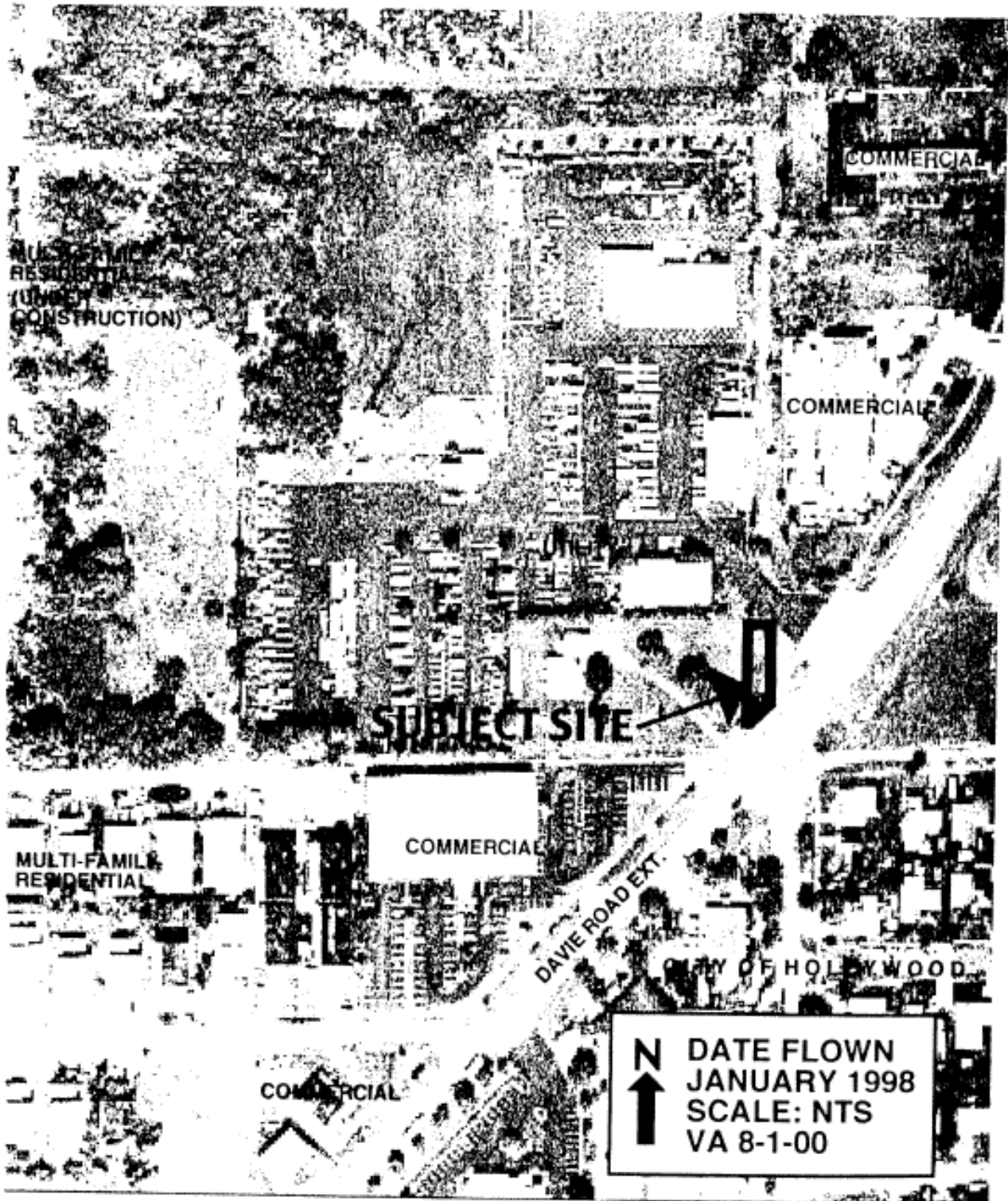
B-2

TABLE 1

B-2

Scale 1 = 1000

N



MULTI-FAMILY
RESIDENTIAL
(UNDER
CONSTRUCTION)

COMMERCIAL

COMMERCIAL

SUBJECT SITE

MULTI-FAMILY
RESIDENTIAL

COMMERCIAL

DAVIE ROAD EXT.

CITY OF HOLLYWOOD

COMMERCIAL

N
↑
DATE FLOWN
JANUARY 1998
SCALE: NTS
VA 8-1-00